

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING**

20 House Building, Utah State Capitol Complex

March 1, 2016

Members Present: Rep. LaVar Christensen, Chair
Rep. Merrill Nelson, Vice Chair
Rep. Fred C. Cox
Rep. Bruce Cutler
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Brian S. King
Rep. Curtis Oda
Rep. V. Lowry Snow
Rep. Kevin J. Stratton
Rep. Mark A. Wheatley

Staff Present: Mr. Gregg Girvan, Policy Analyst
Ms. Glenda VanWagenen, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Vice Chair Nelson called the meeting to order at 8:08 a.m.

The Chair agreed to move the fifth item on the agenda to the first position.

S.B. 135 Administrative Law Judge Amendments (W. Harper)

Senator Harper explained the bill to the committee.

MOTION: Rep. Snow moved to pass the bill out favorably. The motion passed unanimously with Rep. Cox, Rep. Stratton, Rep. Wheatley, and Rep. Christensen absent for the vote.

MOTION: Rep. Snow moved to move the bill to the Consent Calendar. The motion passed unanimously with Rep. Cox, Rep. Stratton, Rep. Wheatley, and Rep. Christensen absent for the vote.

Rep. Christensen assumed the Chair and moved to the first item on the agenda.

H.B. 383 Uniform Fiduciary Access to Digital Assets Act (V. L. Snow)

Rep. Snow explained the bill to the committee.

MOTION: Rep. Cutler moved to pass the bill out favorably. The motion passed unanimously with Rep. Cox, Rep. Hall, and Rep. Nelson absent for the vote.

Rep. Oda assumed the Chair.

H.B. 381 Standards for Issuance of Summons (L. Christensen)

MOTION: Rep. Christensen moved to replace H.B.381 with H.B. 381 1st Substitute. The motion passed with Rep. Cox, Rep. Hall, and Rep. Nelson absent for the vote.

MOTION: Rep. Christensen moved to amend H.B.381 1st Substitute as follows:

1. *Page 2, Lines 42 through 46:*

42 ~~{(2) Administrative convenience or a preference by the prosecution is not valid~~
 grounds
43 ~~for the issuance of a warrant and arrest rather than a summons absent findings based~~
 upon
44 ~~Subsections (1)(b)(i), (ii), and (iii).~~
45 ~~{(3)}~~ (2) If the offense charged is:
46 (a) a felony, the arrest upon a warrant may be made at any time of the day or night; or

2. *Page 2, Lines 51 through 55:*

51 (iii) the person to be arrested is encountered by a peace officer in the regular course of
52 that peace officer's investigation of a criminal offense unrelated to the misdemeanor warrant
 for
53 arrest.
54 ~~[(2)]~~ ~~{(4)}~~ (3) For the purpose of Subsection (1):
55 (a) daytime hours are the hours of 6 a.m. to 10 p.m.; and

3. *Page 3, Lines 57 through 62:*

57 ~~[(3)]~~ ~~{(5)}~~ (4) (a) If the magistrate determines that the accused must appear
 in court, the
58 magistrate shall include in the arrest warrant the name of the law enforcement agency in the
59 county or municipality with jurisdiction over the offense charged.
60 (b) (i) The law enforcement agency identified by the magistrate under Subsection ~~[(3)]~~
61 ~~{(5)(a)}~~ (4)(a) is responsible for providing inter-county transportation of the
 defendant, if necessary,
62 from the arresting law enforcement agency to the court site.

4. *Page 3, Lines 65 through 67:*

65 (c) (i) The law enforcement agency identified by the magistrate under Subsection [~~(3)~~]
66 {~~(5)(a)~~} (4)(a) as responsible for transporting the defendant shall provide to the
 court clerk of the court
67 in which the defendant is tried, an affidavit stating that the defendant was transported,

The motion passed unanimously with Rep. Cox, Rep. Hall, and Rep. Nelson absent for the vote.

MOTION: Rep. Christensen moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Cox, Rep. Hall, and Rep. Nelson absent for the vote.

Rep. Christensen resumed the chair.

H.B. 426 Child Support Regarding Rape Offenders (R. Spendlove)

The bill was not considered.

H.B. 399 Victims Rights Amendments (L. Christensen)

The bill was not considered.

MOTION: Chair Christensen moved to saunter for five minutes. The motion passed unanimously with Rep. Cox, Rep. Hall, and Rep. Nelson absent for the vote.

MOTION: Rep. Greene moved to adjourn. The motion passed unanimously with Rep. Cox, Rep. Hall, and Rep. Nelson absent for the vote.